IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 16TH NOVEMBER 2006 / 25TH KARTHIKA 1928

WP(C).No. 30241 of 2006(A)

PETITIONER:

JAMES PETER,
SUPERINTENDENT, GOVERNMENT JUVENILE HOME,KOTTAYAM.

BY ADV. SRI.P.R.PADMANABHAN NAIR

RESPONDENTS:
---

1. THE STATE OF KERALA,
REP. BY ITS CHIEF SECRETARY, SECRETARIATE,
THIRUVANANTHAPURAM.

2. THE PRINCIPAL,
SECRETARY, SOCIAL WELFARE DEPARTMENT,
SECRETARIATE, THIRUVANANTHAPURAM.

3. THE DIRECTOR OF SOCIAL WELFARE,
VIKAS BHAVAN, THIRUVANANTHAPURAM.

4. THE INSPECTOR GENERAL OF PRISONS,
KERALA STATE, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 30241 OF 2006

Dated this the 16th November, 2006.

JUDGMENT

The petitioner belongs to the cadre of Superintendent, Social Welfare Department.

2. As per Ext.P1 judgment, the respondents were directed to consider the case of the petitioners in that case in the light of the observations contained therein. Paragraph 5 of Ext.P1 reads as follows:-

> "According to me, since the transfer of the petitioners and others from the Jail Department to Social Welfare Department is not at the option of the petitioners and that it was on account of the administrative exigencies it is a matter for consideration as to whether the petitioners can be equated with a post which carries a scale of pay nearer to the one which is held by them particularly in view of the fact that the Jailors in the Jail Department which was inter-changeable post for which a higher scale of pay is stated to have been given in the pay revision. For the said purpose I set aside Ext.P4 order and direct the first respondent to consider the same and pass appropriate orders in accordance with law after affording an opportunity of being heard to the petitioners within a period of three months from the date of receipt of a copy of this judgment."

The judgment makes it clear that it was for the above purpose that the orders impugned there, were set aside and the petitioners were relegated to the department.

3. The grievance of the petitioner is that instead of the matter being considered dispassionately or

uninfluenced by the decisions taken earlier which were set aside by this Court, Ext.P2 order has been passed virtually taking the same view as was done earlier. Hence the petitioner has filed Ext.P4 representation before the second respondent requesting to reconsider Ext.P2 and to pass fresh orders.

4. Counsel for the petitioner submits that Ext.P4 is pending with the first respondent for the last about two years and this Court may direct the second respondent to pass orders on Ext.P4 within a time frame.

5. Heard Govt. Pleader for the respondents.

6. In the nature of the contentions raised by the petitioner, it is only appropriate that the representation filed by the petitioner is considered and orders passed in accordance with law within two months on the petitioner producing a copy of the judgment along with a copy of the writ petition. The order passed on Ext.P4 shall be communicated to the petitioner immediately. Writ petition is disposed of accordingly.

K.K.DENESAN
Judge

jj